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C O N F I D E N T I A L SECTION 01 OF 02 HARARE 000395

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AF/S FOR BNEULING
NSC FOR SENIOR AFRICA DIRECTOR C. COURVILLE

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TAGS: [PHUM](#) [EAID](#) [PGOV](#) [PREL](#) [ZI](#)
SUBJECT: IS THE NGO BILL DEAD?

REF: 2004 HARARE 2003

Classified By: Charge d'Affaires a.i. Eric T. Schultz under Section 1.4
b/d

1. (SBU) SUMMARY: The controversial NGO bill (reftel), passed by the Parliament in December, appears to have effectively expired due to President Mugabe's failure to sign it by the constitutionally prescribed deadline. Some NGOs remain concerned that Mugabe may yet sign the bill into law and are acting accordingly. However, the bill's quiet death could be Mugabe's latest sop to domestic interests and international audiences in the run-up to parliamentary elections. That said, the GOZ also signaled continued pressure on the NGO community with the announcement that it was investigating the accounts of 30 organizations. END SUMMARY.

NGO Bill Signing Deadline Passes

2. (SBU) Section 51 of Zimbabwe's Constitution provides that the President shall assent, or withhold his assent, of a bill within 21 days of its presentation to him by the Parliament. If he withholds his assent, the bill must be returned to the Parliament and cannot be presented to him again without the support of "not less than two-thirds of the Parliament." Parliamentary staff has confirmed to us that the NGO bill was date-stamped upon delivery to the President on January 24 and that the 21 day period therefore ended on February 14.

3. (SBU) On March 1, Father Fidelis, the Jesuit provincial for Zimbabwe (and a liberation veteran who still has regular access to Mugabe), told the Ambassador that President Mugabe had decided not to sign the bill in its current form. Fidelis said he had unsuccessfully lobbied Speaker Mnangagwa and Justice Minister Chinamasa to kill the bill and had finally approached Mugabe personally. He said he had given Mugabe UN, church and NANGO (an NGO umbrella organization) critiques of the bill to read and that Mugabe had been appalled by the content. Fidelis said Mugabe had concluded that the NGO bill was a part of the "Tsholotsho" plot of disgraced former Information Minister Moyo. Fidelis predicted that Mugabe would either send the bill back to Parliament for amendment or just let it die.

4. (C) Neither the GOZ nor the NGO community has given any publicity to the bill's fate since the expiration of the signing deadline, and many in the NGO community still consider the bill in play regardless of the constitutional deadline. A representative of the Zimbabwe Lawyers for Human Rights, for example, told us that they had been unable to verify the date of transmission to the President (we are seeking tangible evidence, e.g., a copy of the date-stamped instrument). Moreover, some in the NGO community are convinced that if Mugabe were to decide to sign the bill belatedly, the Supreme Court would uphold his action regardless of its unconstitutionality. Some have also asserted that the President could effectively implement the bill by Presidential decree even if a constitutional debate were to hold up the legislation.

More GOZ Threats

5. (U) Meanwhile, the GOZ has publicly announced it will investigate 30 NGOs for suspected misappropriation of US\$88 million mobilized through UNDP after the GOZ made a consolidated appeal to the international community for assistance in 2003. The report asserted that the funds were "deemed public funds because they were raised on behalf of the Government and the people of Zimbabwe." According to the March 10 edition of the official Herald newspaper, Minister of Public Service, Labor and Social Welfare Paul Mangwana announced further on March 9 that the GOZ was going to require all NGOs to account for all funds received from donors.

6. (SBU) Among the 30 reportedly being investigated are seven USAID partners -- World Vision, Care, CRS/Strive, PSI,

Advance Africa, JSI, and DAI/Lead. Only two (World Vision and Care) were involved in the consolidated appeal. All are involved in overt humanitarian assistance in consultation with relevant ministries, and would have no problem disclosing programmatic and financial reports to substantiate their ongoing work.

Comment

17. (C) Mugabe,s "pocket veto," if it stands, may be another in a series of conciliatory gestures on the part of the GOZ's in the run-up to the election. The Ambassador had made clear in several meetings with GOZ officials late last year that a veto of the bill would be seen by Washington as a positive development. He had also intimated that ascribing it to Moyo, Mangwana and other disgraced "young Turks" would give Mugabe a face-saving way to kill the bill.

18. (C) However, the confusion and official silence surrounding the bill,s fate may also reflect continued divisions within the ruling party. Reserve Bank Governor Gideon Gono has been an outspoken public and private critic of the bill and even the ZANU-PF-dominated parliamentary portfolio committee opposed its more draconian provisions. Minister Mangwana, who was the bill's principal architect, lost his ZANU-PF primary and appears on his way out of the Cabinet. His long-term influence is waning, which is further undermining support for the bill. In any event, the NGO bill already has served important ruling party purposes by sharply chilling the pre-election environment for democracy and governance NGOs even if it does not become law. Moreover, many of these organizations are continuing to self-censor given the uncertainty surrounding the bill,s fate -- not a bad outcome for the ruling party.

19. (C) Whether the NGO bill becomes law or not, GOZ attempts to cow the NGO community will continue. However, given GOZ concerns about its international image and Zimbabwe's ongoing humanitarian needs, there are limits. The latest development appears to be more low-level harassment rather than a serious investigation. In any event, it is consistent with long-standing GOZ efforts to bring humanitarian assistance in particular under more official control.

SCHULTZ